

**CITY COUNCIL MEETING
CITY OF WATERTOWN
July 19, 2010
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JOSEPH M. BUTLER, JR.
COUNCIL MEMBER TERESA R. MACALUSO
MAYOR GRAHAM**

ABSENT: **COUNCIL MEMBER JEFFREY M. SMITH**

ALSO PRESENT: **MARY M. CORRIVEAU, CITY MANAGER
ATTORNEY ROBERT J. SLYE**

City Staff Present: Kurt Hauk, Ken Mix, Joseph Goss and Jim Mills

City Manager Corriveau presented the following reports to the Council:

- 1 - Authorizing Abate of Water and Sewer Charges to Real Property Tax Bill for Property at 136 Rutland Street North
- 2 - Affirming Prior SEQRA Determination for the Franklin Building Redevelopment Project
- 3 - Approving Grant Application Between the City of Watertown and the Edward Byrne Memorial Justice Assistance Grant Program, FY 2010 Local Solicitation
- 4 - Approving the Special Use Permit Request Submitted by James Petersen to Allow an Automobile Sales Lot at 500 Main Street West, Parcel No. 1-01-122
- 5 - Lachenauer Plaza Fountain Design Entries
- 6 - Jefferson Street Zoning
- 7 - Edmund Street
- 8 - NYS Early Retirement Incentive Program

COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of July 6, 2010 was dispensed with and accepted as written by motion of Council Member Burns, seconded by Council Member Macaluso and carried with all voting in favor thereof.

COMMUNICATIONS

From Robert Peterson, B.O.B. Rafting, concerning his suggestion for Edmund Street of one piece going to the homeowner, a roadway going to the rafting company and the portion in Mr. Chiappone's parking lot going to him as he has already made it part of his lot.

ABOVE PLACED ON FILE

From the Black River Committee regarding the proposed ownership changes to Edmund Street and urging Council to retain ownership of the street.

ABOVE PLACED ON FILE

From the City Manager thanking Elizabeth Collette for the donation of a new bench for Public Square, in memory of her father, Albert Kaler and also thanking the Sunrise Rotary Club for the donation of two new flower planters for the Square.

ABOVE PLACED ON FILE

Claim against the City was received from Richard Boyce for damage to his vehicle when his son was driving. The vehicle struck another vehicle as a result of an unsecured manhole cover at the intersection of Academy and S. Hamilton Street.

A subrogation claim against the City was received from NGM Insurance Co. concerning the Boyce accident.

ABOVE REFERRED TO THE BOARD OF AUDIT

PRIVILEGE OF THE FLOOR

Adam Brown, 614 Gotham Street, addressed the chair advising Council that he is still interested in purchasing the property on Jefferson Street.

Norman Wayte, Chair of the Black River Committee, addressed the chair explaining that the committee feels that the ownership rights of Edmund Street should stay with the City to allow for the long term purpose of access to the river and overall public use for the community.

Robert Petersen, 23872 NYS Rte. 342, addressed the chair as owner of B.O.B Rafting. He stated that the portion of the land owned by the City has never been cleaned up. He advised that he put in a report with the City Codes Department seven years ago to have a car frame and 55 gallon drums removed from the city's property. They are still there. He also remarked that anyone gaining access to the river has done so by going through his property, even though he has signs prohibiting that.

RESOLUTIONS

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS Section 120 of the City Charter authorizes the City Council to correct any error made in the levying or extending of any tax, and

WHEREAS Real Property Tax Law Section 554 authorizes the appropriate tax levying body to make corrections to the tax roll before the expiration of the warrant, and

WHEREAS an error was made in the re-levying of a paid water and sewer charge in the amount of \$49.69 onto the 2010-11 City property tax bill for 136 Rutland Street North, tax parcel 6-09-214.000,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that the 2010-11 City property tax amount due for 136 Rutland Street North, parcel 6-09-214.000 be reduced by \$49.69, and

BE IT FURTHER RESOLVED by the City Council that the above amount is hereby abated and the City Comptroller is hereby authorized to mark his books and records accordingly.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the City of Watertown has received funding under the program year 2007 New York State Community Development Block Grant (CDBG) Program through the New York State Office of Community Renewal and compliance with the State Environmental Quality Review Act is a requirement of the CDBG Program in accordance with State laws and regulations, and

WHEREAS the Franklin Building Redevelopment Project was reviewed by the City Council as a Type I Action under the initial environmental review conducted in January 2008, and

WHEREAS the City of Watertown reviewed the project and completed Parts I and II of the Full Environmental Assessment Form and made a negative declaration for the project in January 2008, and

WHEREAS the sidewalk replacement activity proposed for this project will occur on both sides of Franklin Street adjacent to the southern side of the Franklin Building and this

activity does not trigger any additional Type I thresholds listed in 6NYCRR Parts 617.4 and 617.5 and this activity is an eligible activity for CDBG funding award to the City, and

WHEREAS the sidewalk replacement portion of this project does not change the City's initial determination that the overall project is considered a Type I Action under the original environmental review nor does it change the City's finding that the overall project will not have any significant impacts on the environment,

NOW THEREFORE BE IT RESOLVED the City Council has determined that the Franklin Building Redevelopment Project including certain sidewalk replacement activities along Franklin Street will not require further environmental review under SEQRA.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.

WHEREAS the City of Watertown is applying for federal funding under the Edward Byrne Memorial Justice Assistance Grant Program, and

WHEREAS the City is notifying City Council and the public of the grant funding opportunity that is being provided by the Justice Assistance Grant Program, and

WHEREAS the funding, if awarded, will be allocated to the City of Watertown and Jefferson County per the attached Budget Detail Worksheet, and

WHEREAS as a requirement of the grant, the City of Watertown must enter into an inter-municipal Agreement with the County of Jefferson which details the terms of the grant,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Grant Application between the City of Watertown and the Edward Byrne Memorial Justice Assistance Grant Program, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to draft and execute an inter-municipal Agreement with Jefferson County related to this grant on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS James Petersen has made an application for a Special Use Permit to allow an automobile sales lot for up to 5 vehicles at 500 Main Street West, Parcel Number 1-01-122, and

WHEREAS the Planning Board of the City of Watertown reviewed the request for a Special Use Permit at its meeting held on July 6, 2010, and recommended that the City Council of the City of Watertown approve the request as submitted, and

WHEREAS a public hearing was held on the proposed Special Use Permit on August 2, 2010, after due public notice, and

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part II and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed Special Use Permit to allow an automobile sales lot is an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that a Special Use Permit is hereby granted to James Peterson to allow an automobile sales lot for up to 5 vehicles at 500 Main Street West, Parcel Number 1-01-122.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO

MOTION WAS MADE BY COUNCIL MEMBER BURNS TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING RESOLUTION FOR MONDAY, AUGUST 2, 2010 AT 7:30 P.M.

MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING YEA

**** ** ***

COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Jefferson Street Zoning

Mr. Mix advised that nearly all of Jefferson Street is comprised of 1, 2 and 3 family homes. Therefore, having it in a light industrial zone doesn't make sense. He explained that the Planning Board's recommendation is to have the front area on Factory and High Streets as commercial and the entire inside area as Residential C which can include the 1, 2, and 3 family homes. He reviewed the current zoning map and the proposed map with Council. Mr. Mix explained that if Council decides to move forward with this, an ordinance would be prepared and a public hearing

would be scheduled. He also advised that there had not been any opposition to the proposal. However, concerns might be expressed once the media reports on it and when a public hearing has been held.

Council Member Burns remarked that Council has asked the Planning Board to do this as zoning is an important tool. Overtime, neighborhoods change and that is what happened with this area. She commended the efforts of the Planning Board and the Planning staff and stated that she would support the recommendation.

Council Member Butler asked why the area on High Street wasn't being changed to commercial.

Mr. Mix explained that the Planning Board determined that it should be Residence C because of the size of the lots and the density of the area. He also explained that Residence B would also be a viable option.

Mayor Graham commented that he was comfortable with the recommendations of the Planning Board.

Council Member Macaluso remarked that she would also support the recommendations.

Council Member Butler asked if anyone had walked the area as we need to put the best plan forth.

Mayor Graham advised that an opportunity to amend the ordinance always exists after the public hearing.

Attorney Slye advised that the requirement for another hearing would depend on the significance of the change in the ordinance.

Mr. Mills asked the Council how they would like him to proceed with the sale of the property that Mr. Brown still wants to purchase.

Discussion was held concerning the upcoming property auction and if Council wanted the Jefferson Street property added to auction or sold at private sale to Mr. Brown for \$500.

Mayor Graham commented that it becomes difficult for a private sale because it wasn't offered to the public.

Council Member Burns and Council Member Butler supported having it go to auction.

Council Member Macaluso commented that she has problems with this going to auction after someone has shown an interest in it and it has been city owned since 2008 due to back taxes.

Mrs. Corriveau advised that originally staff had recommended demolishing the house. However, Council does have the right to sell it at private sale.

Attorney Slye remarked that he had concerns that it has been unoccupied and therefore it lost its grandfather status. Right now it has no value unless the zoning is changed.

Mayor Graham remarked that a private sale can become a slippery slope.

Council Member Butler commented that he didn't have a problem with a private sale.

Mayor Graham also commented that zoning changes are not without hazard.

Mr. Mills explained that publishing time needed for a public auction and the fact that the soonest it could be done with be in late August.

Mrs. Corriveau also advised that there is nothing precluding the City from holding the auction in September.

MOTION WAS MADE BY MAYOR GRAHAM TO ADD 523 JEFFERSON STREET TO THE LIST OF PROPERTIES FOR THE AUCTION. MOTION WAS SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER BUTLER VOTING NAY.

NYS Early Retirement Incentive Program

Council reviewed the memo from the City Manager concerning this. She explained that if Council wishes to opt into the program, targeted positions would have to be defined. She also advised that very few municipalities are doing this.

Mayor Graham remarked that the only way this program would make sense is to cut positions and that isn't what Council wanted to do. Council wishes to maintain stability in the workforce.

Council Member Burns remarked that Council hasn't heard about cuts being recommended by staff. In fact, Council actually approved positions in the budget.

Mayor Graham commented that he feels that if we are cautious in the future, we won't have to cut.

Council Member Butler commented that no one has done the math on this and he would like to see the figures before saying that we shouldn't opt into the program. He said that there are a lot of people who will be retiring in the next two years and he suggested looking at the various examples.

Discussions were held about the savings that have to be recognized through the program.

Mayor Graham remarked that letting someone go and leaving the position vacant for a year isn't a savings, it's an illusion.

Mrs. Corriveau advised that it has to be real savings.

Edmund Street

Mayor Graham commented that the access road should be maintained as a public right of way and if there is room to sell the sliver of land to the Desrosier's that should be done.

Council Member Macaluso responded that we don't know what will happen in 10-15 years and if the City sells the property, we can't ever get it back.

Mayor Graham remarked that the road goes to the river. A request from Mr. & Mrs. Desrosier to buy a sliver of the land came in about a month ago.

Council Member Burns remarked that selling the sliver to the Desrosier's makes sense.

Mr. Mix advised that if a 16' piece is taken off for them, it wouldn't affect the right of way.

Mayor Graham remarked that this request needs to be refined and a staff recommendation is needed.

Mrs. Corriveau advised that staff will do so.

Council Member Butler stated that he wanted to take a look at the property before he made a decision.

Lachenauer Plaza Fountain

Kari Robertson and Laura Oakes answered questions posed by Council concerning the designs.

After Council discussion and voting, Council narrowed the selections down to Design C and Design D. It was decided that the final decision will be made next week when Council Member Smith is present.

Mayor Graham also asked that a list of artists be given to the City so that thank you letters could be written to them

Sales Tax Revenue Final Fiscal Year Update – 2010

Council reviewed the figures on the memo which shows that the year to date budget to actual numbers are over projections by \$467,094 or 3.17%.

Town of Watertown Sewer Flow Diversion from SD#2 to SD#3

Council reviewed the memo from City Engineer Kurt Hauk concerning this. The Engineering Department is now in the position to move forward on the issue of shifting flows from SD#2 to SD#3 and along with that working toward the easing of the restriction of new sewer permits for the Town of Watertown Sewer District #2 service area.

Mrs. Corriveau advised that the letter issued confirming adequate capacity for the proposed Olive Garden Restaurant to the NYSDEC will be similar to the wording in the memo.

Council Member Butler referred to a request he had received from Eleanor Ebbighausen representing the Daughters of the War of 1812 (not on file in the Office of the City Clerk). They are requesting permission to place a bronze plate at the base of Hart Massey's headstone. They are asking that the City place a small concrete base there for the plaque. He commended their hard work on the project.

Mrs. Corriveau remarked that she also received a letter and will share it with DPW as well as the people that are doing the beautification of the Arsenal Street Cemetery.

Council Member Burns asked that a copy of this be sent to the Jefferson County Historical Society as well.

Gross Receipts Tax

Mrs. Corriveau advised that she, Jim Mills and Attorney Slye were recently on a conference call with National Grid regarding the gross receipts tax. She explained that there will be amendments to the settlement agreement and NYCOM is still coordinating it.

Aviary

The ad hoc committee for the aviary will meet on July 26th at 7 p.m. at the zoo.

Mayor Graham asked that the information concerning what the repairs are and what the real issues are be made available in addition to what is needed for the electrical system, the screen panels and also the door systems.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:05 P.M. UNTIL MONDAY, JULY 26TH AT 7:00 P.M. BY MOTION OF COUNCIL MEMBER BURNS, SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton
City Clerk